

1 JUDGE ROBERT S. LASNIK
2
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARVIN MANN, on his own behalf and on
behalf of a CLASS OF SIMILARLY
SITUATED EMPLOYEES OF
DEFENDANT,

Plaintiffs,

v.

THE BOEING COMPANY, a Delaware
corporation,

Defendant.

CLASS ACTION

No. 2:15-cv-01507-RSL

**PLAINTIFF'S RENEWED MOTION
FOR CLASS CERTIFICATION**

**NOTED FOR HEARING
OCTOBER 14, 2016
WITHOUT ORAL ARGUMENT**

17 **I. INTRODUCTION**

18 Plaintiff filed his motion for class certification on April 14, 2016. (Dkt. #26). The
19 Court ruled on that motion on August 23, 2016, denying the motion without prejudice and
20 inviting Plaintiff to file a renewed motion with a revised class definition. (Dkt. #46). This
21 motion follows.

22 **II. PERTINENT FACTS**

23 Plaintiff incorporates by reference the facts outlined in his original motion (Dkt. #26)
24 and reply (Dkt. #44). Plaintiff requests that the court consider his motion for class
25 certification with a revised class definition as follows:

PLAINTIFFS' RENEWED MOTION FOR CLASS
CERTIFICATION - 1

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1 Boeing Job DAKU-K employees at its Everett facility directly supervising IAM
2 members engaged directly in the assembly of 777 (but not the 777X) aircraft in the
3 Everett factory, excluding employees whose principal supervisory responsibilities
4 were related to training, tooling, staffing, quality control or who held Boeing
Production System positions or other positions involving cross operational initiatives
including Tactical Manager positions.

5 **III. ARGUMENT AND AUTHORITY**

6 **A. Plaintiff Incorporates By Reference His Prior Arguments, As They Apply To The**
Current Class Definition.

7 Plaintiff hereby incorporates by reference his original Motion for Class Certification,
8 (Dkt. #26), including the law and arguments cited therein. The law and arguments under
9 presented in Plaintiff's original motion also apply to his revised class definition.

10 This court can revise the class definition or revisit certification at a later time if
11 confusion and complexities continue. As the court noted in its Order, the task of defining
12 Plaintiff's class is "made more difficult by the complex nature of Boeing's job classifications
13 and terminology." If this complexity continues despite the revised class definition, it may
14 again be appropriate to permit Plaintiff to redefine the class as appropriate. "Rule 23 provides
15 district courts with broad authority at various stages in the litigation to revisit class
16 certification determinations and to redefine or decertify classes as appropriate. *Armstrong v.*
17 *Davis*, 275 F.3d 849, 871 n.28 (9th Cir. 2001), abrogated on other grounds by *Johnson v.*
18 *California*, 543 U.S. 499, 504-05, 125 S. Ct. 1141, 160 L. Ed. 2d 949 (2005).

19 **IV. CONCLUSION**

20 Based on the foregoing, including pleadings referenced herein, Plaintiff's renewed
21 motion for class certification should be granted.
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2 DATED September 12, 2016, at Seattle, Washington.
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18 Attorneys for Plaintiff and the Putative Class
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PLAINTIFFS' RENEWED MOTION FOR CLASS
CERTIFICATION - 3

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CERTIFICATE OF SERVICE

The undersigned certifies that on this day a true and correct copy of this document was served on the party of record as stated below in the manner indicated:

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Attorneys for Defendant The Boeing Company

VIA CM/ECF SYSTEM

I declare under penalty of perjury under the laws of the state of Washington, that the foregoing is true and correct.

DATED at Seattle, Washington on September 12, 2016.

s/Rosanne M. Wanamaker

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